

IN RE: PETITION FOR ZONING VARIANCE • BEFORE THE
W/S Greenspring Avenue, off 30' R/W, 1400' W of Greenspring Avenue, R/W is 256' N of Jackson USAR Center (12116 Greenspring Avenue) • ZONING COMMISSIONER
Stephan G. Simmers • OF BALTIMORE COUNTY
Petitioner • Case No. 88-499-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an accessory structure (garage) in the front yard in lieu of the required rear yard and a height for said structure of 20 feet in lieu of the maximum permitted 15 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by his father, appeared, testified and was represented by Counsel, Clarke Murphy, Jr., Esquire. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of June, 1988 that the Petition for Zoning Variance

STATEMENT TO ACCOMPANY PETITION FOR ZONING VARIANCE OF STEPHAN GEORGE SIMMERS

Access to the subject property from Greenspring Avenue is a fourteen hundred (1,400) foot right-of-way. The driveway from the property line to the dwelling runs parallel and adjacent to the Jackson U.S. Army Reserve Center heavy truck parking lot, which is protected by a nine (9) foot high chain link fence with three (3) strands of barbed wire above the chain link portion.

For economy and convenience the access to the dwelling is on the northeast side facing the driveway and the heavy truck parking lot on the adjacent property. The proposed garage will use the existing driveway and is to be erected between the dwelling and the nine foot chain link fence which separates the applicant's property from the heavy truck parking lot. The portion of the dwelling actually utilized as the front, for living purposes and view, is the southwest side, which faces away from the heavy truck parking lot.

To require the proposed garage to be located other than as shown on the attached plat would necessitate an extra expenditure to reroute and extend the driveway around the dwelling. This would restrict the view from the southwest side of the dwelling, which is the area constituting the front of the dwelling, and reduce substantially the economic value of the dwelling, because the view in the open terrain on the southwest is a major asset.

There are no other residential structures in the immediate vicinity, the property does not front on a public road, the proposed garage is adjacent to an existing land use as a heavy truck parking lot, and another location for the garage would impose substantial additional cost as well as reduce one of the most valuable assets of the property, namely the view. A waiver is requested for hardship and practical difficulty.

to permit an accessory structure (garage) in the front yard in lieu of the required rear yard, and a height for said structure of 20 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The Petitioner shall not allow or cause the accessory structure (garage) to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
DATE 6/13/88
BY *Stephan G. Simmers*

All that lot or parcel of ground, situate, lying and being in the Fourth Election District of Baltimore County, State of Maryland, and described as follows:

Beginning for the same at an iron pipe set in the seventh line of the land which by deed dated March 27, 1965 and recorded among the Land Records of Baltimore County in Liber 4438, Folio 253 was conveyed by Eleanor Elseroad to Albert J. Niggel, said point of beginning being N 59° 50' 30" E, 163.13 feet from an iron pipe marking the beginning of said seventh line, and running thence for lines of division the following two (2) courses:

1. N 30° 09' 30" W, 613.76 feet to a concrete monument now planted.
2. N 59° 50' 30" E, 526.91 feet to a concrete monument heretofore set at the end of the first line of the land which by deed dated June 29, 1974 and recorded among the Land Records of Baltimore County in Liber 2506, Folio 303 was conveyed by Albert J. Niggel to the United States of America.

Running thence reversely along said line S 59° 32' 40" E, 704.28 feet to a concrete monument heretofore set in the seventh line of land conveyed to Albert J. Niggel as aforesaid.

Running thence reversely along said seventh line, S 59° 50' 30" W, 882.55 feet to the point of beginning, containing 10,000 acres of land.

Stephan G. Simmers

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY TOWSON, MARYLAND

District: *4th* Date of Posting: *May 24, 1988*
Posted for: *Variance*
Petitioner: *Stephan G. Simmers*
Location of property: *W/S Greenspring Ave. off 30' R/W, 1400' W of Greenspring Ave. R/W is 256' N of Jackson USAR Center (12116 Greenspring Ave.)*
Location of Sign: *What side of Rd. in front of subject property*
Remarks: _____
Posted by: *S. J. Anota* Date of return: *May 27, 1988*
Number of Signs: _____

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

June 15, 1988

Clarke Murphy, Jr., Esquire
606 Baltimore Avenue, Suite 301
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
W/S Greenspring Avenue, off 30' R/W, 1400' W of Greenspring Avenue, R/W is 256' N of Jackson USAR Center (12116 Greenspring Avenue)
15th Election District; 6th Councilmanic District
Stephan G. Simmers - Petitioner
Case No. 88-499-A

Dear Mr. Murphy:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted subject to the restrictions noted in the attached order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
Enclosure
cc: People's Counsel
File

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. *May 26, 1988*

THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on *May 26, 1988*

OWINGS MILLS TIMES,

S. Zeke Orlow
Publisher

\$37.50

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. *May 26, 1988*

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on *May 26, 1988*

THE JEFFERSONIAN,

S. Zeke Orlow
Publisher

\$37.50

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: *88-499-A*

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section *400.1, 400.3* To allow an accessory structure (garage) in the front yard with a height of 20 feet in lieu of the required rear yard and 15 feet height respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

SEE ACCOMPANYING STATEMENT

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____ Legal Owner(s): *Stephan G. Simmers*
(Type or Print Name) (Type or Print Name)
Signature _____ Signature _____
Address _____ (Type or Print Name)
City and State _____ Signature _____

Attorney for Petitioner: _____
Clarke Murphy, Jr. (Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: *822-3300*

ORDERED BY The Zoning Commissioner of Baltimore County, this *6th* day of *April*, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the *13th* day of *June*, 1988, at *1:00* o'clock *P.M.*

ESTIMATED LENGTH OF HEARING *1 1/2* HRS. *J. Robert Haines*
AVAILABLE FOR HEARING *1 1/2* HRS. Zoning Commissioner of Baltimore County.
ALL *OTHER* (over)
REVIEWED BY: *Stephan G. Simmers* DATE *3-24-88*

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: *5-31-88*

Mr. Stephan George Simmers
12116 Green Spring Avenue
Owings Mills, Maryland 21117

Re: Petition for Zoning Variance
CASE NUMBER: *88-499-A*
W/S Greenspring Avenue, off 30' R/W, 1400' W of Greenspring Avenue, R/W is 256' N of Jackson USAR Center (12116 Greenspring Avenue)
15th Election District - 6th Councilmanic District
Petitioner(s): *Stephan G. Simmers*
HEARING SCHEDULED: *MONDAY, JUNE 13, 1988 at 1:00 p.m.*

Dear Mr. Simmers:

Please be advised that \$90.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND No. 52731
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE *6/13/88* ACCOUNT *88-499-A*
AMOUNT \$ *90.00*
RECEIVED BY *Stephan G. Simmers*
FOR *Stephan G. Simmers* *6/13/88 Haines*
8 8682 ***** 88060880499-A
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

April 16, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-480-A
95 Greening Avenue, off 30' R/W, 1400' N Greening Avenue, R/W is 256' N Jackson Avenue, R/W 1225' N. of Jackson USA Center
4th Election District - 2nd Councilmanic
Petitioner(s): Stephen G. Simmers
HEARING SCHEDULED: MONDAY, JUNE 13, 1988 at 1:00 p.m.

Variance to allow an accessory structure (garage) in the front yard with a height of 20 feet in line of the permitted rear yard and 18 feet height respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Stephen George Simmers
John M. Simmers, Jr.
Claudia Murphy, Sec. Exp.
File



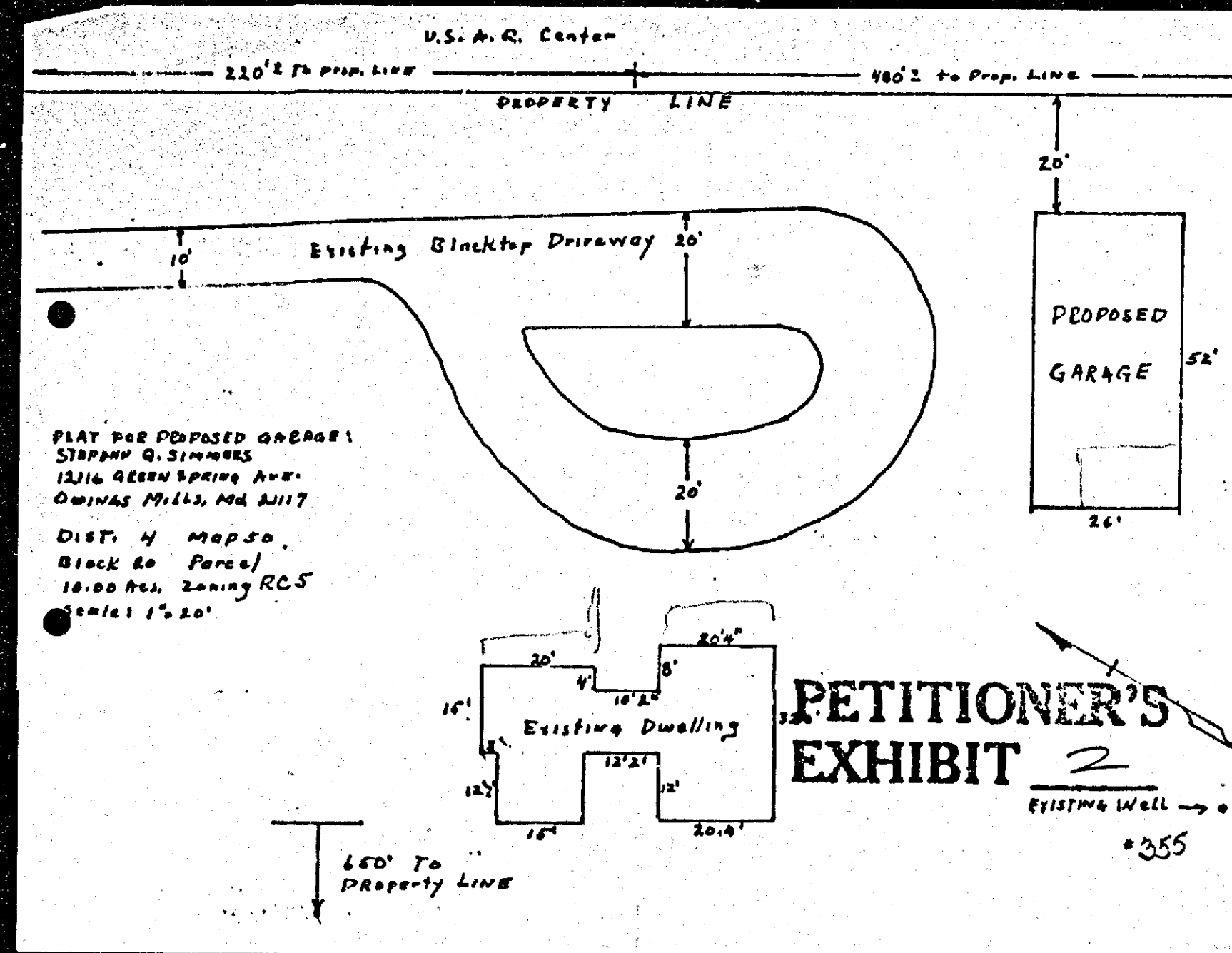
Dennis F. Rasmussen
County Executive



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
6th day of April 1988.

Received by: J. Robert Haines
Zoning Commissioner
Petitioner: Stephen George Simmers
Chairman, Zoning Plans
Advisory Committee



Baltimore County
Fire Department
Towson, Maryland 21204-2506
494-4500

Paul H. Rebeck
Chief

April 14, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Stephen G. Simmers

Location: W/S Greening Avenue, off 30' R/W, 1400' N. Greening Avenue, R/W 1225' N. of Jackson USA Center.

Item No.: 355

Zoning Agenda Meeting of 4/5/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] 4-14-88
Special Inspection Division

Noted and Approved: [Signature] John F. O'Neill
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
Date: May 16, 1988
FROM: P. David Fields, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions #88-480-A, 88-481-A, 88-482-A, 88-483-A, 88-484-A, 88-485-A, 88-486-A, 88-487-A, 88-488-A, 88-489-A, 88-490-A, 88-491-A, 88-492-A, 88-493-A, 88-494-A, 88-495-A, 88-496-A, 88-497-A, 88-498-A, 88-499-A, 88-500-A, 88-501-A, 88-502-A, 88-503-A, 88-504-A, 88-505-A

There are no comprehensive planning factors requiring comments on these petitions.

P. David Fields per [Signature]
Office of Planning and Zoning

PDF/jat

RECEIVED
MAY 17 1988

ZONING OFFICE

cc: Clark Murphy, Esq.
5/18/88

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 27, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Stephen George Simmers
12116 Green Spring Avenue
Owings Mills, Maryland 21117

RE: Item No. 355 - Case No. 88-499-A
Petitioner: Stephen George Simmers
Petition for Zoning Variance

Dear Mr. Simmers:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

May 10, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

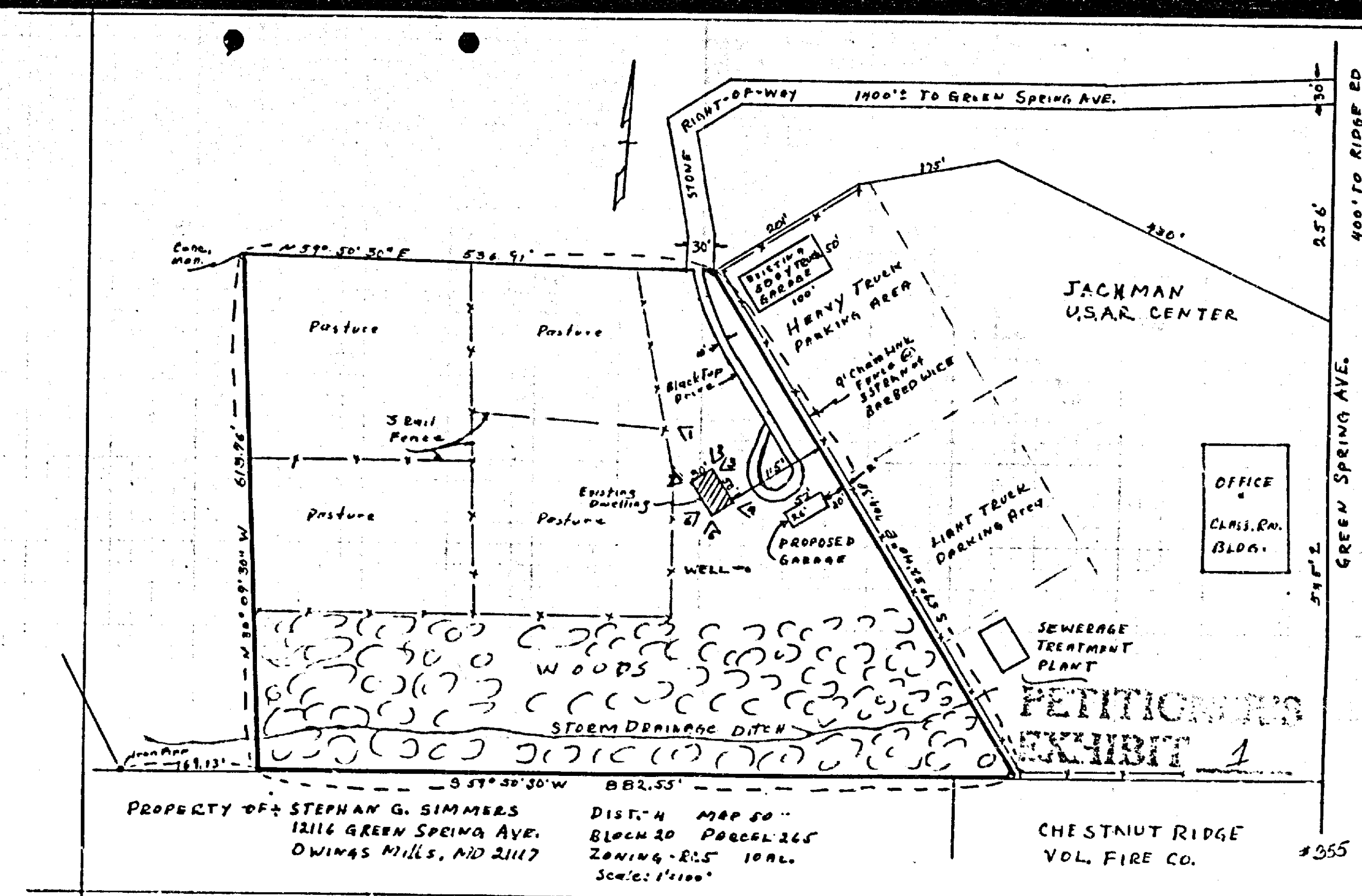
The Bureau of Traffic Engineering has no comments for items number 348, 349, 350, 351, 352, 353, 355, 356 and 357.

Very truly yours,

[Signature]
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pml-b

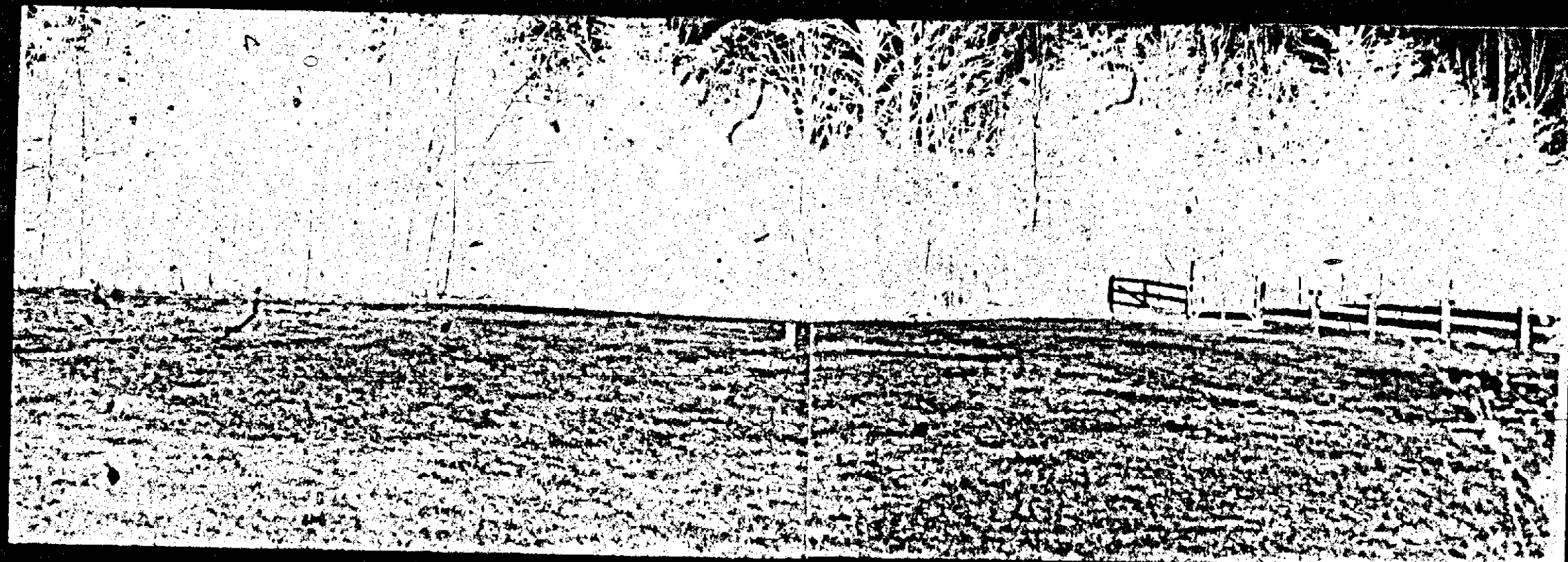
RECEIVED
MAY 18 1988
ZONING OFFICE





PETITIONER'S
EXHIBIT 5

VIEW OVER STAKED AREA OF PROPOSED
GARAGE SHOWING LIGHTING FIXTURES ON GOVERNMENT PARKING LOT

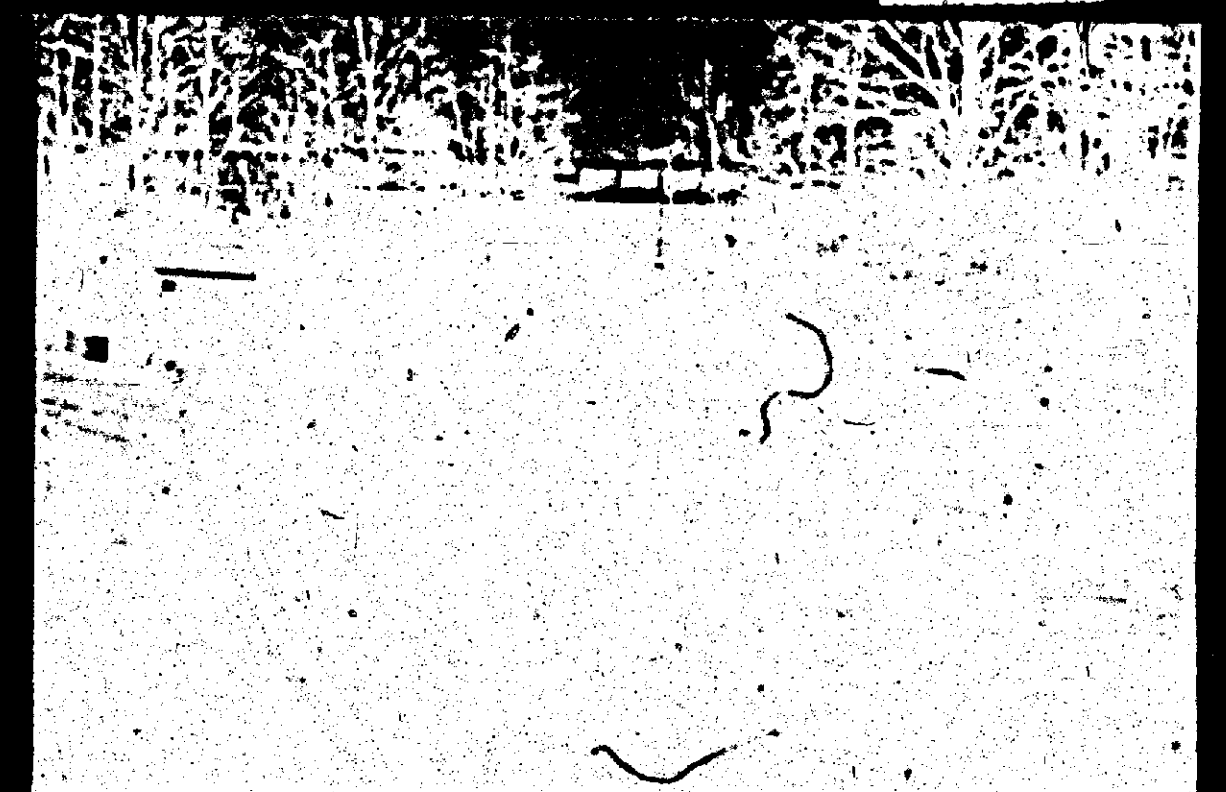
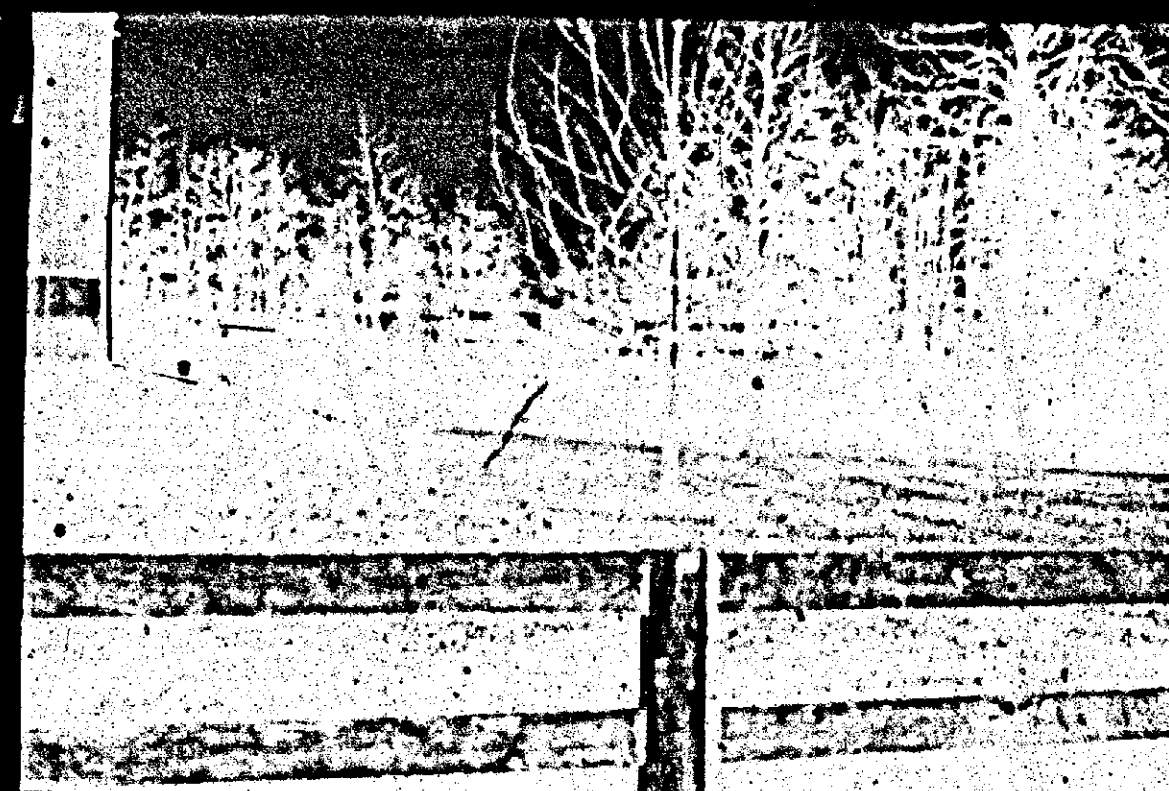


VIEW FROM HOUSE OVER WELL GAP SHOWING PASTURE AND FENCED FIELD

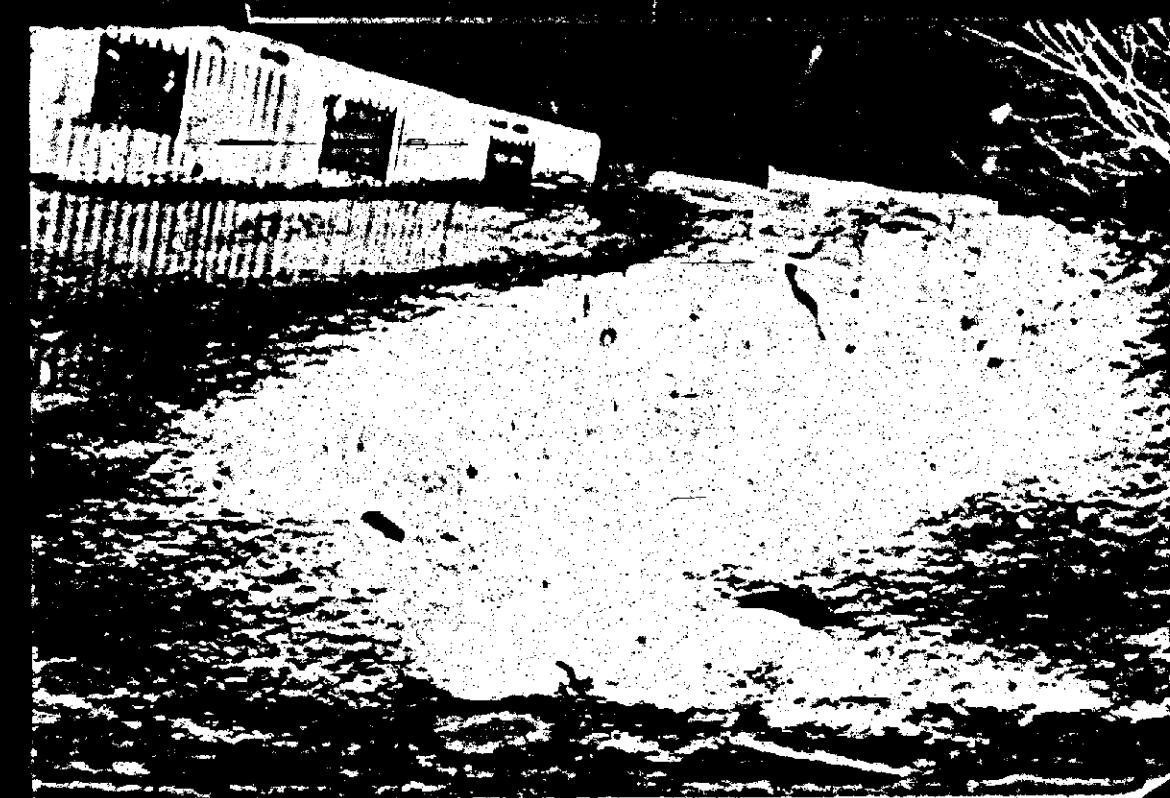


PETITIONER'S
EXHIBIT 4

VIEW APPROCHING RESIDENCE



VIEW FROM PROPERTY AT SOUTH END OF HOUSE LOOKING EAST OVER
STAKED AREA OF GARAGE AND GOVERNMENT BUILDING.



PETITIONER'S
EXHIBIT 3

SCENE FROM DRIVEWAY ENTRANCE SHOWING
STORAGE CONTAINERS NEXT TO TRUCK GARAGE



VIEW OF ADJACENT GOVERNMENT PROPERTY AS YOU PROGRESS DOWN
DRIVEWAY